

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ELLEN HANCOCK,

Plaintiff,

v.

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

No. 6:09-cv-00959-HZ

ORDER

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Las Vegas, NV 89136

Attorney for Plaintiff

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Richard Rodriguez
Terrye Erin Shea
Office of the General Counsel
Social Security Administration
701 Fifth Ave., Suite 2900 M/S 221A
Seattle, WA 98104-7075

Attorneys for Defendant

HERNANDEZ, District Judge:

Plaintiff Ellen Hancock brought this action seeking review of the Commissioner's decision to deny her application for disability benefits. Judge Hogan reversed the Commissioner's decision and remanded for additional proceedings. Nov. 24, 2010 Order [32]. On remand, Plaintiff was awarded benefits.

Plaintiff initially filed a motion for attorney fees [60] pursuant to 42 U.S.C. § 406(b), but after conferring with Defendant, filed a stipulated motion for attorney fees [69]. I have reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

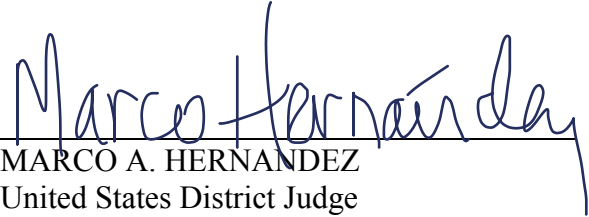
The initial motion for attorney fees [60] is denied as moot. I grant the stipulated motion [69] and award Plaintiff's counsel \$32,320.00 in attorney's fees under 42 U.S.C. § 406(b). Previously, Judge Hogan awarded Plaintiff attorney's fees in the amount of \$7,499.99 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Mar. 1, 2011 Order [35]. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA.

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Therefore, the Commissioner is directed to send Plaintiff's attorney the balance of \$24,820.01, less any applicable processing fees as allowed by statute.

IT IS SO ORDERED.

Dated this 28 day of Feb, 2014.


MARCO A. HERNANDEZ
United States District Judge